

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ANGELA SAMPLE AND DWAYNE SAMPLE

Plaintiffs,

v.

No. Civ. 1:23-cv-00865-SMD-KRS

ASHFORD TRS SANTA FE, LLC,

Defendant.

STIPULATED MODIFIED SCHEDULING ORDER

THIS MATTER comes before the Court following a telephonic status conference held on February 5, 2025, and the parties' submission of an agreed modified scheduling order to the Chambers email box (sweazeaproposedtext@nmd.uscourts.gov). The Court, being fully advised and noting the agreement of the parties, finds good cause to amend the Scheduling Order. To the extent that excusable neglect is required for extensions of the expert report deadlines, the Court finds that standard has been met due to the change in Plaintiff's counsel. Accordingly, the Court adopts the parties' proposed modified discovery plan and scheduling order, with slight modifications as reflected below:

IT IS HEREBY ORDERED that the parties shall adhere to the following discovery plan:

- a) Maximum of **twenty-five (25)** interrogatories by each party to any other party, with responses due thirty (30) days after service.
- b) Maximum of **twenty-five (25)** requests for admission by each party to any other party, with responses due thirty (30) days after service.
- c) Maximum of **four (4)** depositions by Plaintiff and **four (4)** depositions by Defendant, except for expert witnesses. Each deposition limited to a maximum of seven (7) hours, unless extended by agreement of the parties.

IT IS FURTHER ORDERED that the following modified case management deadlines shall govern:

- a) Deadline to amend pleadings or joining additional parties: **Expired.**
- b) Deadline for Plaintiffs' expert reports¹: **April 1, 2025**
- c) Deadline for Defendants' expert reports: **May 1, 2025**
- d) Termination of discovery: **September 5, 2025;**
- e) Deadline for supplementing discovery/disclosures: **Due within thirty (30) days**

of receipt of information giving rise to the need for supplementation.

- f) Motions relating to discovery: **September 26, 2025**
- g) All other motions:² **October 17, 2025**
- h) Pretrial Order: **To be set by the presiding judge.**

i) **IT IS FURTHER ORDERED** the Court must approve any changes to the timing or scope of discovery, other than the parties' agreement to extend the length of a deposition made during the deposition in question. Requests by a party to change the timing or scope of discovery, other than a mutual agreement to extend a deposition reaching during the deposition, must be made by motion and before the termination of discovery or the expiration of any applicable deadlines. Discovery must be completed on or before the termination of the discovery deadline. A written discovery request must be propounded by a date which ensures that the response to that request is

¹ The parties must have their experts ready to be deposed at the time they identify them and produce their reports.

² This deadline applies to motions related to the admissibility of experts or expert testimony that may require a *Daubert* hearing, but otherwise does not apply to motions *in limine*. The Court will set a motions *in limine* deadline in a separate order. Counsel should review and comply with the chambers-specific guidelines for the presiding and referral judges assigned to this case, which are available at <https://www.nmd.uscourts.gov/judges>. Each judge may have practices and submission procedures that counsel are expected to follow.

due on or before the discovery deadline. The parties are further reminded that the cutoff for motions related to discovery does not relieve the party of the twenty-one (21) day time period under Local Rule 26.6 to challenge a party's objections to answering discovery. The parties are encouraged to review the Federal Rules of Civil Procedure 26 (a)(2) to ensure they properly disclose all testifying witnesses, not just those for whom a report is required.

IT IS SO ORDERED this 7th day of February, 2025.



KEVIN R. SWEAZEA
UNITED STATES MAGISTRATE JUDGE

Stipulated:

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